



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

March 15, 2010

Mr. Tommy Sutton
Triad Mining, Inc.
P.O. Box 316
Freelandville, Indiana 47535

Dear Mr. Sutton:

Re: Modification Request for
NPDES General Permit No. ING040030
IDNR Permit Nos. S-0311, S-0351, S-0358
Triad Mining, Inc. – Freelandville Mine
14521 E. State Road 58
Edwardsport, Indiana 47528
Knox County

Your NPDES permit Notice of Intent application received February 19, 2010 requesting modification of the above-referenced permit has been reviewed. The submittal requested that proposed Outfalls 003 (latitude 38°, 52', 27", longitude 87°, 17', 15", discharging to Richter Ditch) be activated and be reclassified as mine drainage status alkaline. The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has determined that the activation of the outfall will not affect Triad Mining, Inc. Freelandville Mine's eligibility for coverage under the general permit rules outlined in 327 IAC 15-1 through 15-4 and 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities, nor will it affect the site's ability to meet the reporting requirements. Therefore your petition to activate Outfall 003 as a new alkaline drainage source has been approved in accordance with Indiana Rules promulgated under 327 IAC15-7.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. An additional form is attached to this letter for use with this new outfall. You should duplicate it as needed. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

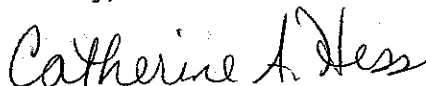
These modifications shall become effective on **April 1, 2010**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **November 30, 2014**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/

Attachments

cc: Knox County Health Department

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 2010 – 3D -GP

DATE OF NOTICE: March 15, 2010

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

MODIFICATION

TRIAD MINING, INC. - FREELANDVILLE MINE, Permit No. ING040030, KNOX COUNTY, Edwardsport, IN. This facility will discharge non-process wastewater from a coal mining, processing and reclamation site to Richter Ditch. This modification is being issued because the company is adding 1 Outfall. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Indiana Department of Environmental Management
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

OFFICE OF
WATER QUALITY
200 FEB 19 A 9:10

IDEM - AR
PAID

I. PURPOSE OF SUBMITTAL:				
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		XX	ING040030	

II. GENERAL INFORMATION										
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.										
a. APPLICANT NAME (TO THE ATTENTION OF)				e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER		
Triad Mining, Inc. - Attn. Tommy L. Sutton				1221		Knox		#S-311 #S-351 & #S-358		
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER						
COMPANY NAME Triad Mining, Inc.				Latitude			Longitude			
STREET ADDRESS P.O. Box 316				degree N38	minute 51	second 60	degree W87	minute 16	Second 24	
CITY Freelandville		STATE IN	ZIP CODE 47535							
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION						
Freelandville Mine, Freelandville Mine, East Pit and Freelandville Mine, Center Pit				Township		Range		Section		Quartersection
				5 North		8 West		2,3,10,11,13, 14,15,22,23, 24,25 & 26		
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId						
STREET ADDRESS P.O. Box 316				STREET ADDRESS 14521 E. State Road 58						
CITY Freelandville		STATE IN	ZIP CODE 47535	CITY Edwardsport			STATE IN	ZIP CODE 47528		

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is Authorized to be responsible for all signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
Tommy L. Sutton Vice President Engineering	C. Brent Boyle
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
812-328-2117 Ext. 30	812-721-1299 Ext. 33 or 812-328-2117 Ext. 29
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
Tommy.Sutton@JamesRiverCoal.com	Brent.Boyle@JamesRiverCoal.com

200 FEB 19 A 11:03
RECEIVABLES

IV. CONTACT INFORMATION OTHER:

DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> C. Brent Boyle, Triad Mining, Inc.	
a. <u>CONTACT TELEPHONE NUMBER</u> 812-328-2117, Ext. 29 or 812-721-1299 Ext. 33		d. <u>STREET ADDRESS</u> 1216 E. County Road 900 S.	
b. <u>CONTACT EMAIL ADDRESS</u> Brent.Boyle@JamesRiverCoal.com		e. <u>CITY</u> Oakland City	f. <u>STATE</u> Indiana
		g. <u>ZIP CODE</u> 47660	
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		j. <u>COMPANY AND CONTACT PERSON NAME</u> Tommy L. Sutton, Triad Mining, Inc.	
h. <u>CONTACT TELEPHONE NUMBER</u> 812-328-2117, Ext 30		k. <u>STREET ADDRESS</u> P.O. Box 316	
i. <u>CONTACT EMAIL ADDRESS</u> Tommy.Sutton@JamesRiverCoal.com		l. <u>CITY</u> Freelandville	m. <u>STATE</u> Indiana
		n. <u>ZIP CODE</u> 47535	
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u>	
o. <u>CONTACT TELEPHONE NUMBER</u>		r. <u>STREET ADDRESS</u>	
p. <u>CONTACT EMAIL ADDRESS</u>		s. <u>CITY</u>	t. <u>STATE</u>
		u. <u>ZIP CODE</u>	

V. RULE QUALIFICATION:

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) YES ☒ NO ☐

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

The Freelandville mining complex is a combination surface and underground mining facility. Wastewater discharge associated with the mining of coal, coal processing and/or reclamation activities will occur.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE	d. LONGITUDE	e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg. min. sec.	deg. min. sec.				
002*	SP02	N 38 52 32	W 87 16 14	0.00	Active, Alkal	Y / N	UNT RICHTER DITCH
004*	SP04	N 38 52 42	W 87 16 33	0.00	POSTMINE	Y / N	RICHTER DITCH
003*	SP03	N 38 52 27	W 87 17 15	0.00	Active, Alkal	Y / N	RICHTER DITCH
006*	SP06	N 38 53 23	W 87 16 32	0.00	Active, Alkal	Y / N	UNT POLLARD DITCH
007*	SP07	N 38 52 42	W 87 17 08	0.00	Proposed	Y / N	RICHTER DITCH
008A*	SP08	N 38 53 18	W 87 17 12	0.00	Active, Alkal	Y / N	WEST FORK POLLARD DITCH
008B*	SP08 PHASE II	N 38 53 15	W 87 17 21	0.00	Active, Alkal	Y / N	WEST FORK POLLARD DITCH
010*	SP10	N 38 53 35	W 87 17 24	0.00	Active, Alkal	Y / N	WEST FORK POLLARD DITCH
011A*	SP11	N 38 52 24	W 87 15 23	0.00	Active, Alkal	Y / N	UNT POLLARD DITCH

VI. OUTFALL INFORMATION Continued

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
011B*	SP11 PHASE II	N 38	52	38	W 87	15	52	0.00	Active, Alkal	Y / N	UNT POLLARD DITCH
014*	SP14	N 38	52	39	W 87	17	21	0.00	Active, Alkal	Y / N	UNT RICHTER DITCH
017**	SP17	N 38	50	54	W 87	14	58	0.00	Active, Alkal	Y / N	UNT SPANGER DITCH
019*	SP19	N 38	53	24	W 87	17	22	0.00	Proposed	Y / N	WEST FORK POLLARD DITCH
026**	SP26	N 38	50	25	W 87	15	17	0.00	Active, Alkal	Y / N	UNT SPANGER DITCH
027**	SP27	N 38	49	55	W 87	14	55	0.00	Active, Alkal	Y / N	UNT POLLARD DITCH
041***	SP41	N 38	50	27	W 87	15	37	0.00	Proposed	Y / N	UNT VOLLE DITCH
042***	SP42	N 38	50	36	W 87	15	38	0.00	Proposed	Y / N	UNT VOLLE DITCH
043***	SP43	N 38	50	54	W 87	15	38	0.00	Proposed	Y / N	UNT VOLLE DITCH
044***	SP44	N 38	51	02	W 87	15	51	0.00	Proposed	Y / N	UNT VOLLE DITCH
045***	SP45	N 38	51	21	W 87	15	38	0.00	Proposed	Y / N	VOLLE DITCH
046***	SP46	N 38	51	21	W 87	15	50	0.00	Proposed	Y / N	VOLLE DITCH
047***	SP47	N 38	51	23	W 87	15	39	0.00	Proposed	Y / N	VOLLE DITCH
048***	SP48	N 38	51	37	W 87	15	56	0.00	Proposed	Y / N	HARTING DITCH
049***	SP49	N 38	51	36	W 87	16	20	0.00	Active, Alkal	Y / N	HARTING DITCH POLLARD DITCH
050***	SP50	N 38	51	36	W 87	16	46	0.00	Proposed	Y / N	UNT HARTING DITCH
051***	SP51	N 38	51	49	W 87	15	39	0.00	Proposed	Y / N	UNT HARTING DITCH
052***	SP52	N 38	51	10	W 87	17	14	0.00	Proposed	Y / N	UNT BUCKTHAL DITCH
053***	SP53	N 38	50	10	W 87	15	47	0.00	Active, Alkal	Y / N	UNT HAMMELMAN DITCH
054***	SP54	N 38	50	00	W 87	15	43	0.00	Active, Alkal	Y / N	UNT HAMMELMAN DITCH

* - Freelandville Mine, #S-311 ** - Freelandville Mine, East Pit, #S-350 *** - Freelandville Mine, Center Pit, #S-358

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC
003*	SP03	Change	2/15/10	This outfall is now alkaline active.

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

See attached.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center – North
 100 North Senate Avenue, Room N501
 Indianapolis, Indiana 46204"

Not Applicable to this modification.

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

See attached.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50.00 , attach to and submit with application.
 Checks or money orders shall be made payable to IDEM.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: **MR. Greg Kraus, February 4, 2010**

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Tommy L. Sutton, V.P. of Engineering

812-328-2117 Ext. 30

Name and official title (type or print)

Area Code and phone No.


Signature

Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251**

II. Please complete this form by signing the following statement.

I certify to the best of my knowledge I have listed all potentially affected parties, as defined by IC 4-21.5.		
Signature: 	Printed name: C. Brent Boyle	Date: 2-15-10
Facility Name: Freelandville Mine #S-311, Freelandville Mine, East Pit #S-351 & Freelandville Mine, Center Pit #S-358		
Facility Address: 14521 E. State Road 58, Edwardsport, Indiana 47528		

III. Type of Action (check one)

- ☒ NPDES Permit-327 IAC 5
- ☐ Land Application Permit-327 IAC 6.1
- ☐ Confined Feeding Approval-IC 13-18-10
- ☐ Sewer Ban Waiver Request-327 IAC 4
- ☐ Operator Certification-327 IAC 5-22
- ☐ Pretreatment Permit -327 IAC 5
- ☐ Construction Permit-327 IAC 3

If Fee Is Required, Return To: (include NPDES permit No. on check)

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Cashiers Office – Mail Code 50-10C
100 North Senate Avenue
Indianapolis, IN 46204-2251

If No Fee Is Required, Return To:

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Office of Water Quality – Mail Code 65-42
Municipal Permit Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

